

01-1015 MOSELEY v. V SECRET CATALOGUE, INC.

Ruling below: CA 6, 259 F.3d 464.

QUESTION PRESENTED FOR REVIEW

Whether the plain meaning of the operative phrase "causes dilution of the distinctive quality of the mark," read in pari materia with the definition of dilution as "the lessening of the capacity of a famous mark to identify and distinguish goods and services," requires objective proof of actual injury to the economic value of the famous mark (as opposed to a presumption of harm arising from a subjective "likelihood of dilution" standard) as a precondition to any and all relief under the Federal Trademark Dilution Act.

CERT. GRANTED: 4/15/02